

MEMO TO FILE FOR SERIAL NUMBER 09/629.607

DATED: SEPTEMBER 28, 2010

FROM: ROBERT J. WARDEN, SR.  
EXAMINER ART UNIT 1791

SUBJECT: PROVIDING MISSING PAGE (7) FROM A RESPONSE DATED  
9/11/2003 IN SERIAL NUMBER 09/629,607 TO PERFECT THE RECORD

09/629,607  
9/11/2003

brush head element or shank 3. Even when the shank is mounted to the handle, only a portion of the motor is or could be considered to be in the handpiece. Furthermore, Applicant must again take issue with the Examiner's interpretation of the elements 52, 7A and 7B of Hahn et al. Applicant believes that the Examiner's interpretation that these elements could be in any way considered to be a protective cover as recited in the claims of the present application and as discussed in the specification of the present application is considerably beyond the teachings of Hahn et al. Hahn et al. clearly recites that these elements are flexible couplings or bearings. The Examiner's argument that the elements are some type of protective cover finds no support in the teachings of Hahn et al. The Examiner is apparently merely selecting an element and stating that it is a protective cover irrespective of the actual disclosure contained in Hahn et al. concerning that element.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-3 and 14 under 35 U.S.C. §102(a) over the above-discussed reference is overcome and should be withdrawn.

As for the remaining references which were cited against the dependent claims, these references have also been considered. Since they do not come closer to the claimed subject matter than the references discussed above, it is believed that any detailed comments thereon at this time would be superfluous.

Therefore, it is respectfully submitted that the rejection of claims 7-13 under 35 U.S.C. §103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.